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Letter dated 1 February 2012 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to refer to paragraph 9 of Security Council resolution 1977 (2011) and to transmit herewith the 2011 review of the implementation of resolution 1540 (2004) (see annex).

I would appreciate it if you would bring the present letter and its annex to the attention of the members of the Security Council and have them circulated as a document of the Council.

(*Signed*) Baso **Sangqu**
Chair
Security Council Committee established pursuant to
resolution 1540 (2004)

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Annex

2011 review of the implementation of resolution 1540 (2004)

I. Introduction

1. In its resolution 1540 (2004), the Security Council expressed its intention to monitor closely the implementation of the resolution and, at the appropriate level, to take further decisions which might be required to that end. On 20 April 2011, the Council, noting that the full implementation of resolution 1540 (2004) by all States was a long-term task, unanimously adopted resolution 1977 (2011) extending the mandate of the Committee for 10 years. At the same time, to monitor the status of implementation of resolution 1540 (2004), the Council decided that the Committee would conduct comprehensive reviews after five years and prior to the renewal of its mandate. The Council also decided that there would be annual reviews, prepared with the assistance of the group of experts, which acts under the direction and purview of the Committee in accordance with paragraph 5 of resolution 1977 (2011), before the end of each December.

2. The present review, which derives from paragraph 9 of resolution 1977 (2011), presents progress made by States and other activities relevant to the implementation of resolution 1540 (2004), during the period from 1 January to 31 December 2011.

II. Methodology

3. The 2011 annual review is structured in two parts. The first part is a factual summary of the current year, based on the structure of resolution 1977 (2011) in the areas of implementation, assistance, cooperation with international, regional and subregional organizations, and transparency and outreach. The second part (Assessment of progress and future perspectives) is analytical, with a forward-looking perspective. It touches upon the priorities of the 1540 process with a view to exploring what additional measures could be taken. It builds upon the information submitted by the Committee to the Security Council in its triennial report covering the period from 25 April 2008 to 24 April 2011 (S/2011/579), elaborating certain points in order to identify effective practices and raise awareness of future challenges.

III. Progress and achievements

A. Monitoring and national implementation

4. Facilitating and monitoring the implementation by States of resolution 1540 (2004) is a key function of the Committee, which keeps track of relevant measures States have taken or intend to take. Based on information submitted by States, the Committee regularly updates the 1540 matrices, which are posted on its website with the consent of States. The matrices[1] represent a valuable tool for the general

[1] The matrices have the following disclaimer: The information in the matrices originates primarily from national reports and is complemented by official Government information, including that made available to intergovernmental organizations.

examination of information on the status of implementation by States of resolution 1540 (2004).

5. The submission by States to the Committee of a first report on steps they have taken or intend to take is considered an initial step towards implementation of the resolution. As at 31 December 2011, 168 States had submitted a first report on the implementation of the resolution, including Ethiopia, Gabon and Rwanda in 2011. Twenty-five States have yet to submit a report.[2] In order to facilitate the submission of a first report, the Chair of the Committee briefed the Group of African States, in September 2011, emphasizing the availability of the Committee and its experts to provide support, if needed. Démarches to facilitate the submission of a first report were also undertaken and brought to the attention of the Committee by the Group of Eight (G-8) in 2011.

6. In its resolution 1977 (2011), the Security Council encouraged States to provide additional information on their implementation of resolution 1540 (2004), including on effective practices, on a voluntary basis. In 2011, seven States formally submitted additional information to the Committee (Croatia, Finland, France, Mexico, Qatar, Saudi Arabia and Ukraine), bringing to 105 the total number of official submissions of additional information.

7. States are encouraged to prepare, on a voluntary basis, national implementation action plans mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004) and to submit those plans to the Committee. In 2011, France submitted a national action plan, sharing experience in measures taken to implement resolution 1540 (2004) and in capacity-building activities, and urging States wishing to receive assistance to submit detailed requests. This brings to four[3] the number of national action plans submitted to the Committee. The preparation of national implementation action plans on a voluntary basis should be considered as a possible means of strengthening national day-to-day work towards implementing resolution 1540 (2004).

8. In paragraph 11 of its resolution 1977 (2011), the Council recognized the importance of the active engagement of the Committee in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation. In September 2011, the Committee conducted in the United States of America its first visit to a State at its invitation. The one-week visit helped the Committee to gain a deeper understanding of measures taken by the United States to implement resolution 1540 (2004) and was considered useful by the United States in identifying areas of implementation in which further national efforts are needed. In 2011, the Committee received invitations to visit Albania, Croatia and Madagascar.

9. In 2011, the Committee also liaised with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices. The Committee experts initiated work to identify effective practices, templates and guidance, with a view to developing a compilation.

10. Measures taken by States cover prohibited activities by non-State actors, as listed in paragraph 2 of resolution 1540 (2004) relating to nuclear, chemical and

[2] This number stems from the recent increase in the number of Member States to 193.

[3] Argentina, Canada and the United States of America previously submitted a national action plan.

biological weapons and their means of delivery, and controls over related materials, in accordance with paragraph 3 of the resolution.[4] For example, regarding measures on prohibitions, Nigeria adopted the Prevention of Terrorism Act 2011; Fiji adopted the Biological and Toxin Weapons Decree of 2011 (Decree No. 17 of 2011); France adopted, on 14 March 2011, a law modernizing the legislative mechanisms for combating the proliferation of weapons of mass destruction and their means of delivery; and Ireland adopted the Biological Weapons Act 2011.

11. Regarding domestic controls over related materials, Italy adopted a law on nuclear security. Congo, Guinea, Montenegro and Mozambique ratified both Safeguards Agreements and Additional Protocols with the International Atomic Energy Agency (IAEA); Pakistan ratified another Safeguards Agreement; and Bahrain, Costa Rica, the Gambia, Mexico and Morocco ratified Additional Protocols to their Safeguards Agreements. China and the United States signed a Government-to-Government agreement in January 2011 to establish a centre of excellence in China to promote effective nuclear security and safeguards programmes. Japan opened its new Integrated Comprehensive Support Center for Non-proliferation and Nuclear Security for Asia at the Japan Atomic Energy Agency facility in Tokaimura, Japan. In 2011, Germany adopted an amendment to its 1996 Regulation Implementing the Chemical Weapons Convention as amended in 2000 and 2001 and Ghana adopted the Biosafety Act 2011.

12. Regarding border and export controls, the Strategic Trade Act 2010 of Malaysia came into force on 1 January 2011, and Finland adopted a new export control law. In June 2011, Kazakhstan announced the adoption of an export control act containing control lists, to reinforce the weapons of mass destruction non-proliferation regime. The Customs union among Belarus, Kazakhstan and the Russian Federation has been in force since 1 July 2011, with licences for exporting dual-use items issued in one State being valid in the other two States. In 2011, the Directorate General for Trade of the European Commission issued a Green Paper entitled "The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world", which launched a survey on the current dual-use export control system as set out in Council Regulation (EC) No. 428/2009. The objective of the survey is to help to identify the strengths and weaknesses of the current system and to map out a longer-term vision of the European Union export control framework.

B. Assistance and capacity-building

13. The Committee discussed the following main areas for potential progress: continuing to improve assistance procedures; identifying and analysing assistance needs; continuing to develop a dialogue on assistance with relevant international, regional, subregional and, as appropriate, non-governmental organizations; strengthening the ability of the Committee and its experts to facilitate assistance; and increasing awareness of assistance issues. Developments during 2011 focused on the implementation of revised guidelines on processing assistance requests, the facilitation of "match-making" between assistance requests and offers, and continued development and refining of assistance guidelines.

[4] The list of examples in paras. 10-12 is not exhaustive.

14. In 2011, the Committee implemented the revised guidelines adopted in October 2010 to rationalize, improve and accelerate the response to assistance requests and facilitate match-making.[5]

15. In order to update the information on requests and offers of assistance, the Chair of the Committee sent letters in February and March 2011 to all United Nations Member States and relevant international organizations. He also sent letters to specific countries and regional groups acknowledging or seeking clarification on their assistance requests or offers. Keeping the list up to date is an essential tool in facilitating match-making activities. The Committee received responses from Colombia, Madagascar, Mexico and Serbia requesting assistance and from Bulgaria, Mexico and Portugal offering assistance. Letters were also received from international organizations and entities about their programmes or availability to assist.[6] New assistance requests were made by Afghanistan, Albania, Ethiopia (in its first report) and the Caribbean Community (CARICOM), and updates on their offer of assistance were made by Canada, France and the United States.

16. The consolidated list of 41 formal requests was also updated by the Committee and made available to the G-8 Global Partnership Working Group at a meeting on 10 October 2011, in Paris.

17. In support of the match-making role of the Committee, its experts held consultations with officials from Bulgaria on the assistance requested by Uganda, and with officials from Mexico on the request from Colombia. In preparation for the country visit requested by Madagascar, the Committee had exchanges with interested States, international organizations[7] and one non-governmental organization.[8]

18. The Chair of the Committee relayed to States that had requested assistance information received in 2011 from providers of assistance. The Committee experts contributed to country-specific activities in or with Kyrgyzstan, the Republic of Moldova and Serbia, supported by the Organization for Security and Cooperation in Europe (OSCE) and the Office for Disarmament Affairs, to assist them in developing national action plans and in identifying where these States sought assistance.

19. Furthermore, in the context of the European Union Instrument for Stability, chemical, biological, radiological and nuclear centres of excellence are being established with the objective of increasing the institutional capacity of countries in

[5] The formal assistance procedures, revised in October 2010, are available from www.un.org/sc/1540/assistance.shtml.

[6] Including from the International Atomic Energy Agency (IAEA), the World Customs Organization, the United Nations Office on Drugs and Crime, the World Bank and the non-governmental organization VERTIC. In addition, the Caribbean Community (CARICOM) made a new assistance request, and Guyana (on behalf of CARICOM) informed the Committee of an offer by the Center for International Trade and Security of the University of Georgia to contribute to CARICOM's new request for legislative assistance.

[7] IAEA, the Organization for the Prohibition of Chemical Weapons, the Biological Weapons Convention Implementation Support Unit, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, the European Union, the International Maritime Organization and the World Customs Organization.

[8] VERTIC.

a regional context. In 2011, the Committee was informed of developments in this area.

20. Committee members are currently considering additional assistance guidelines on match-making activities that address procedures for matching assistance requests and turning informal requests into formal requests to the Committee.

21. On 19 October 2011, on the occasion of an event hosted by the Permanent Mission of Poland to the United Nations in New York, the European Union and the United States signed a joint declaration reiterating their commitment to the full and comprehensive implementation of resolutions 1540 (2004) and 1977 (2011). In particular, the declaration states that the European Union and the United States will support strengthening the Committee in its role as a clearing house for countries seeking international assistance in improving their national non-proliferation capabilities, as well as developing visits to States.

22. To support efforts to facilitate the universal implementation of resolution 1540 (2004), the United States made a $3 million grant to the Trust Fund for Global and Regional Disarmament. A new European Union Council decision in support of resolution 1540 (2004) is currently being prepared.

C. Cooperation with other organizations and entities

23. With the support of the experts, the Committee continued cooperation with relevant international, regional and subregional organizations and had various interactions with other entities and arrangements. Information on such collaboration is incorporated in tables prepared by the Committee experts for the use of the Committee members.

Cooperation with international, regional and subregional organizations

24. Interaction with relevant international, regional and subregional organizations and other intergovernmental institutions and arrangements, in particular those possessing non-proliferation expertise, contributes to the effective implementation of resolution 1540 (2004) by strengthening cooperation through the exchange of information, the sharing of implementation experiences and lessons learned, and coordination in facilitating assistance to Member States. Regional and subregional organizations also provide valuable insights into the common needs and priorities of their members and help to deliver assistance.

25. The Committee intensified its collaboration with IAEA in the area of nuclear security through conferences and partnership in the Agency's information portal. Cooperation with the Organization for the Prohibition of Chemical Weapons was also increased in order to promote measures to strengthen chemical security. The Committee also expanded cooperation with the Biological Weapons Convention Implementation Support Unit and collaborated on relevant activities in the biological area. The Committee agreed to a request by the Biological Weapons Convention Implementation Support Unit to participate in the development of an implementation guide. The Committee continued to cooperate with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. An example of collaborative effort between the Committee and these organizations is

the joint contributions to workshops on the implementation of the international non-proliferation instruments.

26. The Organization of American States (OAS) supported the implementation of resolution 1540 (2004) by States through country-specific activities, in particular with Colombia and Mexico. Moreover, OAS informed the Committee of the designation of a regional coordinator for the Central American Integration System, beginning in October 2011. This adds to the two regional facilitators already designated, by CARICOM and OSCE, to assist States in their respective regions. The Committee also learned of progress towards the possible designation of regional facilitators for other regional organizations, in particular the Commonwealth of Independent States and the Association of Southeast Asian Nations (ASEAN).

27. New developments include the participation of Committee experts in a workshop on the role of OSCE in the implementation of resolution 1540 (2004). The Committee experts continued to strengthen cooperation with their OSCE counterparts by focusing on issues regarding assistance to certain Member States, in particular Kyrgyzstan, the Republic of Moldova and Serbia in drafting voluntary national plans. Furthermore, the Committee was informed by the Office for Disarmament Affairs of the signature of a memorandum of understanding between the United Nations and the OSCE secretariat on the joint implementation of projects relating to resolution 1540 (2004).

28. The Committee started a dialogue with the Gulf Cooperation Council, including at its headquarters in Riyadh, and continued dialogue with the League of Arab States, on their respective cooperation with the Committee.

29. At the G-8 Summit in Deauville, France, in May 2011, Heads of State and Government decided to renew the Global Partnership beyond 2012. The Global Partnership Assessment and Options for Future Programming, adopted in Deauville, identifies four priorities for the future of the Global Partnership, including facilitation of the implementation of resolution 1540 (2004). The Committee experts participated in a subsequent meeting of the G-8 Global Partnership Working Group, to discuss possible programmes to facilitate the implementation of resolution 1540 (2004).

30. The Committee experts also participated in a number of workshops organized by other intergovernmental organizations and shared lessons from the implementation experience. For example, they continued to participate, in 2011, in meetings of the Financial Action Task Force on Money Laundering, designed to facilitate the development of recommendations and best practices on countering proliferation financing.

Cooperation with United Nations entities

31. As the Committee is a Counter-Terrorism Implementation Task Force entity, its experts were involved in a project designed to assist Central Asian States in devising a regional action plan to implement the United Nations Global Counter-Terrorism Strategy and also participated in other relevant activities of the Task Force, including within the framework of the working groups on preventing and responding to terrorist attacks involving weapons of mass destruction and on border management relating to counter-terrorism.

32. The Committee continued to cooperate with the Security Council Committees established pursuant to resolutions 1267 (1999) and 1989 (2011), resolution 1373 (2001) and resolution 1988 (2011), and their experts, including through joint or coordinated outreach activities. For example, the experts participated in a training organized by the Counter-Terrorism Executive Directorate programme on countering terrorism and proliferation financing and in a joint comprehensive visit to Myanmar led by the Executive Directorate.

Civil society and the private sector

33. In resolution 1540 (2004), the implementation of which is the responsibility of States, the Security Council called upon States to develop appropriate ways to work with and inform industry and the public regarding their obligations under the resolution. In paragraph 12 of its resolution 1977 (2011), the Council encouraged the Committee to draw on relevant expertise, including civil society and the private sector with, as appropriate, their State's consent. In 2011, the Committee and its experts continued to reach out to them to generate wider awareness of the requirements of resolution 1540 (2004) and to facilitate its effective implementation. Civil society and the private sector may have a relevant role in this regard and may be helpful as co-sponsors of workshops on the implementation of resolution 1540 (2004) and in providing assistance.

D. Transparency and outreach

34. Transparency is an essential principle guiding the work and activities of the Committee, helping to enhance confidence, foster greater cooperation and raise the awareness of States, relevant international, regional and subregional organizations, civil society and the private sector regarding issues relevant to resolution 1540 (2004), which facilitates the implementation of the resolution by States.

35. Transparency and media outreach are closely interconnected. Transparency was enhanced through maintenance of the Committee's website and through outreach events at different levels.

36. The Committee continued to consider a media outreach strategy, based on a non-paper prepared by the Committee experts. The purpose of this strategy is to utilize methodically and efficiently the United Nations and Committee resources to reach wider, targeted audiences, including through the preparation of specialized contact lists for electronic communication of important Committee updates. In the meantime, as part of its work with the media, the Chair of the Committee briefed the international press on 24 April 2011 regarding the adoption of resolution 1977 (2011). Similarly, on 13 September 2011, a representative of the Chair participated in a press event held at the United Nations International Press Centre in Washington, D.C., on the subject of the first country visit of the Committee.

37. The Committee continued to maintain its website as an important medium for transparency, which it strives to update and augment. In 2011, for example, it added the sections "New on This Website" and "Committee Activities". In 2011, a major redesign of the Committee website was initiated, with support from the Office for Disarmament Affairs and the Department of Public Information, with the aim of making the website more user-friendly. The Committee anticipates that this project will be completed early in 2012.

38. The Committee and its group of experts continued to participate in outreach events at the international, regional and subregional levels, to facilitate the implementation by States of resolution 1540 (2004). In 2011, members of the Committee and experts participated in more than 55 outreach events, including workshops organized by the Office for Disarmament Affairs. Also in 2011, the Committee began posting information notes on outreach activities attended by its representatives on its website, in order to increase transparency.

IV. Assessment of progress and future perspectives

A. Assessment of progress

39. In 2011, the Committee continued to facilitate and document an upward trend in progress made by States in implementing resolution 1540 (2004).

40. As at 31 December 2011, reporting by States on the implementation of the resolution reached a high level, 168 States having submitted at least one report and 105 States having provided additional information, many of them more than once. However, the overall pace of reporting needs to be sustained in order to compile more complete and up-to-date information on the progress towards full implementation of the resolution.

41. In 2011, considerable progress was made in enhancing the transparency of the work and achievements of the Committee through open briefings and posting new information on the website.

42. The Committee made progress in fostering cooperation with international, regional and subregional organizations and other entities, and in developing a working relationship with non-governmental organizations to facilitate the implementation of resolution 1540 (2004) by States, in the context of resolution 1977 (2011). Additional and continuous efforts are necessary to keep strengthening cooperation with international, regional and subregional organizations and other entities and to make full use of resources offered by them.

B. Looking ahead

43. Taking into account the recommendations contained in the report submitted to the Security Council on 12 September 2011 (S/2011/579), the Committee may consider the following steps:

(a) Update and analyse, on an ongoing basis, the information compiled in the Committee's matrices;

(b) Send letters to all Member States to raise awareness of resolution 1977 (2011) and call for additional information to be submitted voluntarily by States on steps they have taken and further steps they plan to take, including on effective national practices and voluntary national implementation action plans;

(c) Focus on tailored dialogue with Member States pursued, inter alia, through country-specific efforts, such as discussions with the relevant Permanent Missions to the United Nations and visits to States upon invitation or, as necessary, through formal correspondence, to foster a better understanding of their particular

challenges, priorities and security perceptions and ascertain their assistance needs in order to facilitate their implementation tasks;

(d) Optimize the efficiency of the Committee's work during its 10-year mandate, through its annual programme of work which includes, as necessary, specific priorities for its work in order to promote the full implementation by States of resolution 1540 (2004) in all its aspects;

(e) Increase efforts to identify assistance needs through dialogues at workshops and other venues and encourage formalizing intentions to request assistance;

(f) Refine the methodology for visits to States at their invitation and country-specific activities with the benefit of the experience gained and lessons learned from those already conducted;

(g) Continue reviewing and updating the information posted on the website to ensure user-friendly access;

(h) Develop a Committee strategy on engaging international, regional and subregional organizations and other entities, in particular with respect to information-sharing, the exchange of experiences and lessons learned and cooperation in assisting Member States;

(i) Observe and map relevant activities of international and regional organizations and encourage them to inform the Committee as appropriate of the areas in which they are able to provide assistance;

(j) Encourage the designation of points of contact in all relevant international, regional and subregional organizations, and consider establishing a network among them and with the Committee;

(k) Facilitate interactions among coordinators already designated by regional organizations (CARICOM, OSCE and the Central American Integration System) and with the Committee, including to use their experience to identify effective practices;

(l) Encourage States to share effective practices in their specific region;

(m) Liaise with relevant civil society entities with, as appropriate, their State's consent, on sharing information with the Committee on relevant activities, in order to help to define the parameters of their involvement;

(n) Continue to bolster the practice of organizing its meetings regularly and on a planned basis.